

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO

Felix Corporan Cuevas,
Petitioner,

V.

United States of America,
Respondent.

CASE NUMBER: 98-1189-HL



ORDER

Petitioner filed his petition with the Court on February 2, 1998. Petitioner's judgment of conviction was handed down by this Court upon his sentencing on February 18, 1997. Petitioner then had ten days in which to file his notice of appeal. Fed. R. App. P. 4(b); *United States v. Rapoport*, 159 F.3d 1, 3 (1st Cir. 1998); *United States v. Morillo*, 8 F.3d 864, 869 (1st Cir. 1993). Petitioner filed a timely notice of appeal. As of this date, such appeal is still pending (Case No. 99-1079). It is settled that § 2255 motions are premature while the direct appeal is still pending. *Pratt v. United States*, 129 F.3d 54 (1st Cir. 1997). Wherefore, this case is hereby dismissed as untimely.

Date 3/31/00


HECTOR M. LAFFITTE
Chief U.S. District Judge

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